

## Approaches to rejected asylum seekers in Germany: Focus-Study by the German National Contact Point for the European Migration Network (EMN)

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# Approaches to rejected asylum seekers in Germany

Focus-Study by the German National Contact Point  
for the European Migration Network (EMN)

Working Paper 69

23 AsylG §§ 34–36

## Unterabschnitt 4. Aufenthaltsbeendigung

**§ 34 Abschiebungsandrohung.** (1) <sup>1</sup>Das Bundesamt erlässt eine Abschiebungsandrohung, wenn

1. der Ausländer nicht als Asylberechtigter anerkannt wird,
2. dem Ausländer nicht die Flüchtlingseigenschaft zuerkannt wird,
- 2 a. dem Ausländer kein subsidiärer Schutz gewährt wird,
3. die Voraussetzungen des § 60 Absatz 5 und 7 des Aufenthaltsgesetzes<sup>1</sup> eine schriftliche Abschiebungsandrohung erfordern und die Voraussetzungen des § 60 Absatz 7 Satz 1 des Aufenthaltsgesetzes<sup>1</sup> nicht vorliegen oder die Abschiebung ungeachtet der Voraussetzungen des § 60 Absatz 7 Satz 1 des Aufenthaltsgesetzes<sup>1</sup> notwendig ist und
4. der Ausländer keinen Aufenthaltstitel besitzt.

<sup>1</sup>Eine Anhörung des Ausländers vor Erlass der Abschiebungsandrohung ist nicht erforderlich. Die Urkunden über die Abschiebungsandrohung nach § 39 Absatz 1 Satz 4 und Absatz 6 des Aufenthaltsgesetzes<sup>1</sup> sind dem Ausländer vor Erlass der Abschiebungsandrohung vorzulegen.

(2) Eine Abschiebungsandrohung soll nur im Falle der Abschiebung aus dem Bundesgebiet erlassen werden. Die Abschiebung soll im Falle der Abschiebung aus dem Bundesgebiet nur im Falle der Abschiebung aus dem Bundesgebiet erlassen werden.





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# Summary

If the number of rejected asylum applications is compared with the number of voluntary and forced returnees, it can be concluded that a considerable part of people who are obliged to leave the country (on the basis of an enforceable order) stay in the territory of the EU member states. The reasons for this situation are obstacles for deportation of very different types. With the increasing number of asylum applications, the discrepancy between the obligation to leave the country and the actual departure has gained political importance. Against this background, the present paper contributing to the EMN survey “Approaches to rejected asylum seekers”, sets out the obstacles for return with which the authorities of the Federal Republic of Germany have to deal and it will describe which measures they have taken so far in order to enforce the obligation to leave the country in spite of the major challenges in this field.

In this context, it can be stated that although the asylum procedure itself and – as a consequence – the conditions for the fact that the obligation to leave the country becomes effective, are regulated on the federal level, however, the measures for promoting the return and the return policies have not. The enforcement of the obligation to leave the country is in principle a duty of the federal German states (the Länder) which in most cases delegate this task to the local Foreigners Authorities.

Individual and especially labour-intensive tasks connected therewith will increasingly be centralised. One of these tasks is in particular the procurement of passports and travel documents in lieu of passport; in part these tasks also include the execution of the return measure itself. Nevertheless, there is still the need for research which is due to the federal structure of the state.



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# 1 Introduction

The return of rejected asylum seekers and/or the forced return of those people has been regarded as a priority in refugee politics for a long time now by a number of political stakeholders, something which has even again increased its importance in view of the massively increased numbers of refugees to Germany since 2015. In this respect, for the period of time from January 2015 until May 2016 only, there have been more than 50 Bundestag printed papers (Bundestagsdrucksachen) which deal with the topic of rejected asylum seekers and/or deportation. In addition to the Federal German Government as well as many federal German state governments and the respective political parties involved, also parts of the public press request that measures leading to the termination of residence should be intensified in order to be able to cope with the increasing numbers of migrant refugees. With regard to the enforcement of forced returns, several federal German states (such as Bremen, Thuringia and Schleswig-Holstein) are in favour of the abolition of the detention pending return. However, a majority of the federal states is against a general abolition of the custody awaiting deportation.

With the provisions of the Asylum Package II entering into force on 17 March 2016, the legal basis for accelerated asylum provisions have been established and the conditions for temporary suspending deportations due to medical reason have been specified. Since 2015, the Federal German Government has proposed three new laws in the Federal German Parliament which among others focus on an accelerated termination of residence (Act on the Acceleration of the Asylum Procedures as well as the Act on the redefinition of the right to stay and the termination of residence). The Federal Ministry of the Interior (BMI) says that a strict return policy also supports the credibility of the refugee policy and the asylum system (BMI 2015).

In this regard, there is no statistical information available. However, a report of the sub-working group Enforcement Deficits (Vollzugsdefizite) of the Return Working Group (AG Rück) mentions as main obstacles to measures for terminating residence among others medical reasons and missing travel documents. In addition, public ostracism of forced return measures leads to the fact that these cannot be enforced. The Return Working Group was set up in order to optimise the return process and create a uniform mode of implementation; its members are representatives from the ministries involved in this field from the federation and the federal states.

This study has been prepared within the scope of the European Migration Network (EMN). All participating EU Member States and Norway compile their studies according to common criteria and a largely predefined template. These studies of the various EMN contact points are then edited and integrated into a comparative synthesis report.

## 2 Policies and measures vis-à-vis rejected asylum seekers at the point of rejection

### 2.1 Asylum process and the issuance of a return decision

#### 2.1.1 Issuance of an enforceable return

With the rejection of the asylum application, the Federal German Office for Migration and Refugees issues a deportation warning pursuant to section 34 of the German Asylum law (AsylG – Asylgesetz) in connection with section 59 of the of the Residence Act (AufenthG – Aufenthaltsgesetz). This is equivalent to the return decision in the meaning of the European Law. The deportation warning determines a period of time for the foreigner from seven to 30 days for the voluntary return. If the asylum application is to be disregarded or if it is rejected as manifestly unfounded, the period for return is one week (section 36 subs. 1 of the Asylum law); in all other cases is the period for return 30 days (section 38 subs. 1 of the Asylum law). If the person concerned does not institute proceedings within this period of time against the deportation warning, then the obligation to leave the country will become enforceable and the person concerned can be deported (section 58 subs. 2 of the Residence Act).

In addition, the following rules apply pursuant to section 34a of the Asylum law: Should the foreigner be deported into a safe third country (section 26a of the Asylum law) or deported into a country responsible for the execution of the asylum procedure (section 27a of the Asylum law), then the BAMF orders the deportation to that state as soon as it becomes clear that the deportation can be carried out. This also applies if the foreigner filed his or her asylum application in another state responsible for the execution of the asylum procedure due to laws of the EU or any other legal provisions of an international convention or if he or she has withdrawn his or her application prior to the decision of the Federal Office. A prior notice and setting of a deadline is not required. Applications pursuant to section 80 subs. 5 of the Law on [...] Administrative Court Proceedings (VwGO – Verwaltungsgerichtsordnung) against the deportation warning must

be made within one week from notification. No deportation shall be permitted prior to a court decision if the appeal has been filed in time. Applications on the granting of preliminary legal protection against the time limit for the entry ban and stay ban through the Federal Office pursuant to section 11 subs. 2 of the Residence Act must be made within one week after notification. The enforceability of the deportation warning remains unaffected by the above.

#### 2.1.2 Asylum appeals and their suspensive effect on the return process

In principle, court actions against the rejection of the asylum application only have a suspensive effect (section 75 subs. 1 of the Asylum law) in the cases set out in section 38 subs. 1 of the Asylum law and as set out in sections 73b and 73c of the Asylum law (revocation and withdrawal of subsidiary protection as well as revocation and withdrawal of deportation bans). If the asylum application is to be disregarded or has been rejected as manifestly unfounded, there is the possibility to file an application at the competent administrative court in accordance with section 80 subs. 5 of the Law on Administrative Court Proceedings (request on restitution of the suspensive effect). In these cases, the deportation warning becomes enforceable as soon as the administrative court rejects the application (see section 36 subs. 3 of the Asylum law). It is not possible to make a clear statement as to the fact how often a deportation is in fact carried out after having exhausted all remedies; this applies all the more as when the BAMF (on a national level) has rejected an asylum application, the competent foreigners authority (on a local level) can issue a residence document, also for reasons connected with the German legislation on foreigners (see chapter 2.2.2).

### 2.1.3 Interplay of the Federal Office for Migration and Refugees and the foreigners authorities

In the case of an asylum seeker whose application has been rejected and who prior to the initiation of the asylum procedure did not have any residence document, the Federal Office for Migration and Refugees issues the deportation warning at the same time when the decision on the asylum application is issued.

In case of third-country nationals where the obligation to leave the country arises due to the revocation, loss of a residence document or the expiry of its validity, the foreigners authority is the competent authority to issue the deportation warning (section 59 subs. 1 sentence no. 1 of the Residence Act in connection with section 71 subs. 1 of the Residence Act).

### 2.1.4 Use of information obtained from the applicant in the course of the asylum procedure for the purpose of facilitating return

As soon as the deportation warning can be enforced, i.e. the moment when no recourse to legal remedies can be taken against its enforcement, the Federal Office for Migration and Refugees shall inform the competent foreigners authority on the enforceable deportation warning and sends them the required documents (section 40 subs. 1 of the Asylum law). As a rule, this is the decision on the application for asylum, which contains all relevant information. Under certain circumstances, the complete asylum file will be made available to the foreigners authority.

## 2.2 Immediate consequences for rejected asylum seekers required to return

### 2.2.1 Support measures, healthcare, education, housing and employment

Table 1: Access to support measures, healthcare, education, housing and employment (part 1)

	... according to law	... as carried out in practice
<b>Accommodation</b>		
<b>Can the applicant stay in reception centres once rejected?</b>	Yes.	As a rule, rejected asylum seekers can stay and live in the reception centre as long as no other accommodation facility is available.
<b>If you stated yes above, please indicate for how long after receiving the return decision they can stay in the reception centre</b>	Rejected asylum seekers from safe countries of origin are obliged to stay in a reception centre until they can leave the country. All other people are not required to stay and live in a reception centre after the expiry of six months at the latest; they will be assigned to an accommodation facility in accordance with the Asylum law. This is also applicable in the case of rejected asylum seekers if they are obliged to leave the country and if this can be enforced.	As a rule, rejected asylum seekers stay in the accommodation facility which was assigned to them when they had left the reception centre, until they leave the country. In so far as the second accommodation facility does not have enough space in order to accommodate people, in most of the federal states accommodation it is possible to stay in the reception centre is even then possible, when the applicant is not from a safe country of origin in the meaning of section 29a of the Asylum law.

Table 1: Access to support measures, healthcare, education, housing and employment (part 2)

... according to law		... as carried out in practice
<b>Employment</b>		
<b>Are rejected applicants entitled to access/continue accessing the labour market?</b>	<p>People who have stayed in the federal territory for three months either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory (pending asylum procedures) can in principle be granted the authorisation to take up employment under the conditions set out in sections 39, 40 subs. 1 no. 1 as well as in section 41 of the Residence Act. After a residence period of 15 months, the authorisation to take up employment will be granted without a priority check (section 32 of the German Regulation on the employment for foreigners).</p> <p>Rejected asylum seekers from safe countries of origin in the meaning of section 29a of the Asylum law and who handed in their asylum applications as of 31 August 2015, are not allowed to take up employment. The same applies to people with temporary admission who are not allowed to take up employment if they are themselves responsible for the reasons for which a return measure could not be enforced or if they had come into the territory of the Federal Republic [of Germany] in order to obtain benefits pursuant to the Asylum Seekers Benefits Act (section 60a subs. 6 of the Residence Act).</p>	<p>The local foreigners authority and the local employment agency (Agentur für Arbeit) are the competent authorities for the practical implementation of these provisions. In this respect, the locally competent employment agency has to examine whether the conditions for the authorisation to take up employment are met and it is also responsible for granting the said authorisation.</p> <p>The examination however, whether taking up employment may generally be prohibited in the case of the rejected asylum seeker, must be taken by the competent local foreigners authority.</p>
<b>If yes, please indicate for how long after receiving the return decision they can continue to work</b>	Until termination of residence.	
<b>If yes, please describe any specific conditions attached to their employment</b>	<p>People who have stayed in the federal territory for three months either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory (pending asylum procedures) can – in so far as they do not belong to the above mentioned group of people – take up employment in accordance with the provisions set out in sections 39–41 of the Residence Act. This, however, is conditional on the fact that either the Federal Employment Agency has given its prior consent to the taking up of an employment or a [German] regulation lays down that the specific job does not require consent in order to work in that job. The Federal Employment Agency can only then give its consent if there is no German citizen who can do the job and no foreigner of equal status in labour market terms who would be available (previous prioritisation check; section 39 of the Residence Act). Temporarily admitted people who have stayed in the German territory for 15 months, can be granted authorisation to take up employment without a previous prioritisation check.</p>	<p>The question as to whether the foreigner himself or herself is responsible for the obstacles for deportation is dealt with by the locally competent foreigners authority. In so far, we cannot speak about a uniform practical procedure in this context.</p>
<b>Welfare</b>		
<b>Are rejected applicants entitled to receive any social benefits?</b>	Yes.	

Table 1: Access to support measures, healthcare, education, housing and employment (part 3)

	... according to law	... as carried out in practice
<b>If yes, please briefly describe what these benefits are</b>	<p>Asylum seekers and rejected asylum seekers who neither have an income nor any assets, will obtain benefits in accordance with the Asylum Seekers Benefit Act (AsylbLG – Asylbewerberleistungsgesetz). People who have stayed in the German territory for at least 15 months and who are possibly not themselves responsible for existing obstacles for deportation will obtain benefits in accordance with Book XII of the German Social Code (Sozialgesetzbuch).</p> <p>The required needs in terms of food, accommodation, heating, clothes, healthcare as well as new durable and non-durable goods (Gebrauchs- und Verbrauchsgüter) will be covered as benefits in kind during the stay in a reception centre. In addition to that, a certain amount in cash will be paid per month in order to cover any personal needs. People who are not or no longer accommodated in such a reception centre will preferentially be paid cash in order to cover their needs. The amount of benefits may vary according to the age of the respective person and the number of family members living in the same household.</p> <p>People who have come into the German territory in order to obtain benefits pursuant to the Asylum Seekers Benefits Act or where a deportation cannot be enforced owing to reasons for which they themselves are responsible only obtain the benefits which must in any case be granted.</p>	
<b>If yes, please indicate for how long after receiving the return decision they can continue to receive the benefits</b>	Until they leave the country and/or return.	
<b>Healthcare</b>		
<b>Are rejected applicants still entitled to healthcare?</b>	Yes.	
<b>Does it include all healthcare or only emergency healthcare?</b>	Benefits are granted in order to treat acute diseases and pains.	
<b>Education</b>		
<b>Are rejected applicants still entitled to participate in educational programmes and/or training?</b>	<p>Yes.</p> <p>The access to programmes of the current employment policies is dependent on whether taking up work is in principle permitted. Public financial support for a professional training programme or a study course is however only made available after a residence period in Germany of 15 months, section 59 subs. 2 of the German Social Code, Book III (SGB III) and section 8 subs. 2a of the Federal Training Assistance Act (BAföG). In Germany, children are in principle obliged to visit school, independent of their residence status. How this obligation is implemented in detail is the individual responsibility of the federal German states and may vary among them.</p>	
<b>If yes, please indicate for how long after receiving the return decision they can continue to participate in educational activities</b>	Until they leave the country and/or return.	

Source: Asylum law; Asylum Seekers Benefit Act; Federal Office for Migration and Refugees; Federal Training Assistance Act; German Regulation on the employment for foreigners; German Social Code; Residence Act



### 2.2.2 Measures to enforce a return decision and prevent absconding

The foreigners authorities of the federal states are the competent authorities in order to carry out return measures. In addition, the foreigners authorities are the competent authorities in order to examine certain (other) obstacles for deportation relating to asylum seekers for which the Federal Office for Migration and Refugees is not competent. Such obstacles can result from reasons which are linked to the person of the foreigner himself or herself (e.g. inability to travel owing to illness) or they can also have to do with the real inability to execute the deportation (e.g. a blocked airport of destination). The foreigners authority takes a closer look at the existence of such obstacles for deportation because deportation can only then be carried out when there are no such obstacles.

The foreigners authority prepares everything for the deportation. This includes the procurement of the travel documents, booking the flight as well as checking whether there are any obstacles for deportation. These procedures have various forms in terms of organisation in the different federal states. Although the Federal Office generally informs the foreigners authority which is competent on the local level, on a rejected asylum application and the issuance of the deportation warning, the practical methods for the preparation of a deportation is quite different in the various federal states. Some federal states for example centralised the procedure of travel preparations such as booking the flight and procurement of passports, whereas the local foreigners authority still is the competent authority in other federal states.

If the foreigners authority expects resistance from the person to be deported, it can call in support from the respective police forces of the federal state. The competent authorities for the deportation itself, namely for the physical measure of taking somebody outside of the country, are the border authorities; i.e. in principle the Federal police (Bundespolizei) (section 71 subs. 3 no. 1d of the Residence Act).

## 2.3 Possibilities for appealing the return decision

### 2.3.1 Lodging an appeal on the decision, before being returned

As soon as the deportation warning becomes enforceable, no more appeals can be filed. The deportation warning will however only then become enforceable, if any and all periods for judicial appeal against an administrative ruling have expired and/or if the administrative court has rejected an action against the asylum decision rejecting the applicant.

### 2.3.2 Services offered immediately upon arrival

From 2011 to 2014 an action against an asylum application led to the granting of protection in approximately 10 % of all cases. In 2015, the percentage dropped to approximately 4 %.

Table 2: Court decisions on asylum applications

	2011	2012	2013	2014	2015
Court decisions on asylum applications	19,392	22,424	30,896	40,465	62,592
Granting of protection through the courts in total	1,977	2,956	3,999	4,087	2,633
Protection rate in the court procedure	10.2 %	13.2 %	12.9 %	10.1 %	4.2 %

Source: Federal Office for Migration and Refugees

## 2.4 Possibilities for lodging subsequent asylum applications

Rejected applicants can file a subsequent application, even if they had been given a deportation warning in the first place. There are no requirements for the filing of an application itself. Pursuant to section 71 of the Asylum law, the filing of a new asylum application however only leads to another asylum procedure if the provisions of

section 51 subs. 1 to 3 of the Administrative Procedure Act (VwVfG – Verwaltungsverfahrensgesetz) are met. In accordance with this law, either the facts of the case or the legal situation must have changed in favour of the applicant or there must be new evidence which would have caused a more favourable decision for the applicant or if there are other reasons for the revision of the case pursuant to section 580 of the Civil Process Order (ZPO – Zivilprozessordnung).

# 3 Challenges to the return of rejected asylum seekers

In principle, there is no difference with regard to return measures for rejected asylum seekers, neither in terms of the law, nor in organisational aspects in contrast to return measures vis-a-vis other third-country nationals who have to leave the country and where the deportation order is enforceable.

## 3.1 Main challenges to return

Within the scope of the EMN-Ad-Hoc Queries information on the main challenges to return as under the Return Directive was conducted in the single Member States.

- **Resistance of the third-country national** to return, which can take the form of:
  - Physical resistance and restraint
  - Self-injury (including hunger striking)
  - Absconding

Note that third-country nationals may resist return for a variety of reasons including poor employment prospects on return, poverty and poor infrastructure in the country of return, levels of corruption in the country of return etc. and it may be relevant to address these drivers in trying to mitigate the challenge, as well as trying to address the challenge itself.

- **Refusal by the authorities in countries of return** to readmit their citizens, particularly when they have been returned forcibly (inter alia Afghanistan, Eritrea, Ethiopia, Rwanda and South-Central Somalia refuse to accept their nationals returned forcibly against their will);
- Refusal by the **authorities in countries of return** to issue travel documents;
- Refusal by the **authorities in countries of return** to issue identity documents;

- Problems in the **acquisition of travel documents** – especially when no copies of the originals are available (and e.g. identification can only be verified through fingerprints) or when citizenship is complex (e.g. involving married couples from different countries or citizens who were born in another country);

- **Administrative and organisational challenges** due to e.g. a lack of Member State diplomatic representation in the country of return, which can slow down administrative procedures (e.g. make any obligatory consular interviews costly and challenging to arrange) and make negotiations more difficult.

Additionally, in preparing this Common Template, members of the Advisory Group have indicated that the following is a challenge to return:

- **Medical reasons** – i.e. if the returnee has a medical problem rendering travel difficult or impossible.

Source: EMN 2016: 20; emphasis in original

In Germany further challenges to return are discussed by some actors, as table 3 illustrates.

Table 3: Specific challenges to return

Challenge	Description of how this impedes return in your Member State
<b>Public ostracism for return measures</b>	<p>The Return Working Group thinks that a general public ostracism of deportations in the society undermines the capability of the authorities to carry out deportations efficiently. In particular, the “influential groups in society (such as churches, trade unions, welfare associations and political parties) [...]” allegedly “regard deportations as an act of inhumane action of the state” (UAG Vollzugsdefizite 2015: 5). This development allegedly leads to a number of challenges, such as:</p> <ul style="list-style-type: none"> <li>▪ Exemption from punishment in case of resistance to deportations</li> <li>▪ Lacking support for the local foreigners authorities in case of public criticism</li> <li>▪ Insufficient quantity of staff in the local foreigners authorities</li> </ul>
<b>New laws regarding detention pending deportation</b>	<p>The restrictions on detention pending deportation which were introduced as a consequence of several judgments delivered by the highest German courts with the German act on the redefinition of the right to stay and the termination of residence, are regarded as an additional challenge for the termination of residence by those who in fact work in the field of deportations of people; the reason for this is that the required criteria for imposing detention pending deportation cannot be met apparently. They also criticise that “the facilitated detention under special conditions was shortened from 14 days to 4 days and is therefore almost without any effect” (UAG Vollzugsdefizite 2015: 7).</p>
<b>Bad quality of interpretation services</b>	<p>The sub-working group Enforcement Deficits says that there is often a lack of appropriate interpreters for the communication with the people interested which can lead to obstacles for deportation (UAG Vollzugsdefizite 2015: 7).</p>

Source: UAG Vollzugsdefizite 2015; Federal Office for Migration and Refugees

### 3.2 Managing challenges to implementing return

Several measures to manage the challenges and obstacles have been implemented in the past, which are illustrated in table 4.

Table 4: Measures to manage challenges to implementing return (part 1)

Challenges to return	Measures to manage challenges	Implemented?	Does the measure specifically target the return of rejected asylum seekers?
<b>Resistance of the returnee to return</b>	Development AVRR programmes	yes	no
	Detaining rejected asylum seekers to prevent absconding	yes	yes
	Physical force	no	no
	Surprise raids to enforce deportation	yes	no
	Delay or cancellation of the return procedure	yes	no
	Prohibition of taking up work people whose deportation has been temporarily suspended and who themselves are responsible for the obstacles for deportation or who supplied wrong information on their identity or nationality	yes	no

Table 4: Measures to manage challenges to implementing return (part 2)

Challenges to return	Measures to manage challenges	Implemented?	Does the measure specifically target the return of rejected asylum seekers?
<b>Refusal of authorities in countries of return to readmit citizens</b>	Readmission Agreements (EU and/or national)	yes	no
	Bilateral cooperation with third countries / establishment of diplomatic relations	yes	no
<b>Refusal by the authorities in countries of return to issue travel documents</b>	Establishment of representations in third countries	yes	no
	Offering positive incentives, e.g. aid packages, to third countries' authorities	no	no
<b>Refusal by the authorities in countries of return to issue identity documents</b>	Applying political pressure on third countries' authorities	yes	no
	Delay or cancellation of the return procedure	yes	no
	Other?	(Varying) requirements such as additional documents or data	no
<b>Problems in the acquisition of travel docs</b>	Repeating fingerprint capture attempts / using special software to capture damaged fingerprints	yes	yes
	Using interpreters to detect cases of assumed nationalities	yes	yes
	Detention	no	no
	Offering positive incentives, e.g. aid packages to third countries' authorities	no	no
	Applying political pressure on third countries' authorities	yes	yes
	Delay or cancellation of the return procedure	yes	no
	Embassy hearings	At regular intervals, the Federal Police as well as the Clearing offices and the Foreigners Authorities in the federal states carry out hearings with representatives of assumed countries of origin, where the interested persons are presented to the representatives of the respective country of origin in order to find out the person's nationality this way and in order to procure the required travel documents.	no
<b>Administrative/organisational challenges</b>	Budget flexibility	no	no
	Coordination arrangements between authorities	yes	no
	Designation of a Service Provider in third countries	no	no
	Establishment of a diplomatic representation in third countries	yes	no
	Delay or cancellation of the return procedure	no	no
<b>Medical reasons</b>	Organising medical transfer	no	no
	Facilitating medical support in the country of destination	yes	no
	Medical supervision during travel	yes	yes
	Delay or cancellation of the return procedure	yes	no

Source: Asylum law; Asylum Seekers Benefit Act; Federal Office for Migration and Refugees; German Social Code; Residence Act; UAG Vollzugsdefizite 2015

From the challenges mentioned above, asylum seekers more often than other third-country nationals do not have any travel documents. Thus, these have to be obtained from the diplomatic missions of the respective countries of origin. Dependent on the country of origin, it can be quite difficult to obtain the required travel documents in lieu of passport.

### Recently introduced new measures/policies to ensure the return of third-country nationals

Since the sudden increase in the number of asylum seekers in the course of 2015, the German legislative body has so far adopted a number of policies which also have the aim of intensifying the return measures with regard to rejected asylum seekers.

- With the German act on the redefinition of the right to stay and the termination of residence entering into force on 1 August 2015, the legislative body also determined the criteria for the fact when a real risk of absconding can be assumed and as a consequence, custody awaiting deportation can be ordered. This was a reaction on several judgments delivered by the highest German courts in which they requested more concrete indicative evidence on the fact that there is a real risk of absconding.
- Ban on the prior notice to deportations: In order to facilitate deportations, the German legislative body has also reviewed section 59 subs. 1 of the Residence Act by means of the German act on the acceleration of the asylum procedures so that as of 21 October 2015 there must not be given any prior notice to deportations, as it had been the case in some federal states until then.
- In 2015, the federal German state of Bavaria opened two return centres for asylum seekers from safe countries of origin in the meaning of section 29a of the Asylum law. In order to facilitate a later deportation, Bavaria no longer accommodates nationals from the Balkan states in the regular reception centres for asylum seekers but in separate return centres located in the towns of Manching and Bamberg.
- On 5 November 2015, the presidents of the parties in the German coalition government (CDU, CSU and SPD [Christian Democratic Union of Germany, Christian Social Union in Bavaria and Social Democratic Party of Germany]) decided in Berlin and/or Potsdam to create a new organisational unit in addition to the existing Clearing unit which shall stay in permanent contact with the foreign diplomatic missions of the countries of origin; the aim is to convince them to take their own nationals back and to issue the required travel docu-

ments in lieu of passport. This new organisational unit will belong to the headquarters of the Federal Police.

- When the German act on the acceleration of the asylum procedures became effective on 21 October 2015, the period of time for which a deportation can be suspended (temporary admission of a person), was reduced from six months – what used to be the case – to three months (section 60a subs. 1 of the Residence Act).
- Following the common declaration of the ministers and senators of the interior and their counterparts in the federal states, the Federation-Federal States Coordination Agency for Integrated Return Management (BLK-IRM – Bund-Länder-Koordinierungsstelle Integriertes Rückkehrmanagement) was created within the BAMF at the end of 2014. The task of this unit is to improve both the coordination between measures for voluntary and forced return and the cooperation between the German federation and the federal states, and contribute this way to a stronger coherence of the return measures. In addition, the BLK-IRM's mission also extends on the field of Dublin transfers into other member states.

Other measures have also been developed below the legislative level with the aim of reducing deficits in the enforcement of measures, such as the increase of personnel at the Foreigners Authorities or the obtaining of travel documents in lieu of passport in judicial assistance through the federal police for certain countries of origin.

### 3.3 Measures that have proven particularly effective in overcoming challenges to return

Table 5: Measures that have proven particularly effective in overcoming challenges to return

Measure	Evidence of effectiveness / why the measure can be considered a 'good practice'	State whether the measure is effective in supporting the return of rejected asylum seekers
<b>Detention of rejected asylum seekers in order to avoid absconding</b>	Often, the date of a deportation becomes known in advance which leads to the fact that people always again abscond. Often, this leads to detention pending deportation. In case of detention, people are deported directly out of custody.	People having practical experience with deportation procedures say that this measure enhances the return of rejected asylum seekers; there is however no empirical data as evidence.
<b>Medical supervision on the journey</b>	When a return measure is carried out, the healthcare in the country of origin must be guaranteed in so far as the patient's health status will not deteriorate at the point of destination. Even if this is guaranteed, return measures often fail owing to the fact that airlines will only transport people if a doctor accompanies them. Such a medical supervision on the journey can guarantee that the return can in fact be made.	People having practical experience with deportation procedures say that this measure enhances the return of rejected asylum seekers; there is however no empirical data as evidence.
<b>Readmission agreements (on the level of the EU and/or on the federal German level)</b>	The fact of entering into readmission agreements and bi-lateral agreements with third countries can considerably increase the return situation in the case of certain countries of origin.	
<b>Bi-lateral agreements with third countries / establishment of diplomatic relations</b>		

Source: Asylum law; Asylum Seekers Benefit Act; Federal Office for Migration and Refugees; German Social Code; Residence Act; UAG Vollzugsdefizite 2015

### 3.4 Missing measures to challenge specific challenges

In principle, the lack of willingness to cooperate of some countries of origin in obtaining travel documents in lieu of passport and in the execution of returns (e. g. by means of collective deportation [Sammelcharter]) is one of the biggest challenges in the return process. The development of counter strategies is very difficult in such a case; only measures on the highest political level seem to be successful. Even after official diplomatic visits on a high level and corresponding promises the factual return rate remains quite low.

# 4 Suspension of return – tolerated stay

## 4.1 Legal framework

“The deportation of a foreigner shall be suspended for as long as deportation is impossible in fact or in law and no residence permit is granted” (section 60a subs. 2 of the Residence Act). In such a case, the foreigners authority issues a temporary suspension of deportation (tolerated stay – *Duldung*) for the foreigner. Certificates for temporary admission and/or temporary suspension of deportation are not residence documents in the meaning of the Dublin Regulation (no. 604/2013).<sup>1</sup> Irrespective of the suspension of deportation, the foreigner’s residence in the territory is still illegal and he or she still has the obligation to leave the federal territory.

The foreigners authority is the competent authority in order to take the decision on the suspension of deportation in accordance with section 71 subs. 1 of the Residence Act. It is required that no residence permit will be granted and that deportation is impossible in fact or in law. For example, a deportation is impossible in law, “if there is a prohibition to deport which relates to the country of destination [...], if there is an obstacle for execution resulting from facts which relate to the German territory, if the public prosecution offices or the witness protection unit [...] have not yet given the required consent to the deportation or if they have refused to give it and if deportation has been suspended due to judicial order” (no. 60a 2.1.1.1 of the General administrative instructions to the German Residence Act (AVwV AufenthG). Deportation is impossible in fact if – among others – a person is unable to travel owing to illness, if “it is the case that a person still does not have a passport and if deportation is impossible without a passport or travel documents in lieu of passport according to the experiences of the foreigners authority or if deportation has been attempted and has failed,” if there are no transportation routes that can be used for deportation or

if the country of origin refuses the admission (no. 60a 2.1.2 of the General administrative instructions to the German Residence Act).

Those foreigners who have the obligation to leave the federal territory and if this can be enforced (*vollziehbar ausreisepflichtig*), will not obtain a residence document in Germany; they can only be granted a right of residence under the provisions of sections 18a, 25 subs. 5, 25a as well as 25b of the Residence Act (see below). Tolerated stay is merely a certificate showing that deportation has been suspended temporarily. Therefore, these persons will not be prosecuted under 95 subs. 1 of the Residence Act. It can be assumed that this will contribute to a relief of strain from the German prosecution authorities.

<sup>1</sup> Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

## 4.2 Rights of rejected asylum seekers who are not able to return immediately

Table 6: Rights of rejected asylum seekers who are not able to return immediately (part 1)

Questions	... according to law	... as carried out in practice
<b>Accommodation</b>		
<b>Is the rejected asylum seekers who cannot be immediately returned provided with accommodation?</b>	Yes.	As a rule, rejected asylum seekers can stay and live in the reception centre as long as no other accommodation facility is available.
<b>If you stated yes above, please describe the circumstances under which the accommodation can be provided</b>	Rejected asylum seekers from safe countries of origin are obliged to stay in a reception centre until they can leave the country. All other people are not required to stay and live in a reception centre after the expiry of six months at the latest; they will be assigned to an accommodation facility in accordance with the German Asylum Seekers Benefits Act. This is also applicable in the case of rejected asylum seekers if they are obliged to leave the country and if this can be enforced.	As a rule, rejected asylum seekers stay in the accommodation facility which was assigned to them when they had left the reception centre, until they leave the country. In so far as the second accommodation facility does not have enough space in order to accommodate people, in most of the federal states accommodation in the reception centre is even then possible, when the applicant does not come from a safe country of origin in the meaning of section 29a of the Asylum law.
<b>Employment</b>		
<b>Are rejected asylum seekers who cannot be immediately returned authorised to access the labour market?</b>	<p>People who have stayed in the German territory for three months either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory (pending asylum procedures) can in principle be granted the authorisation to take up employment under the conditions set out in sections 39, 40 subs. 1 no. 1 as well as in section 41 of the Residence Act. After a residence period of 15 months, the authorisation to take up employment will be granted without a previous prioritisation check (Vorrangprüfung) (section 32 of the German Regulation on the employment of foreigners).</p> <p>Rejected asylum seekers from safe countries of origin in the meaning of section 29a of the Asylum law and who handed in their asylum applications as of 31 August 2015, are not allowed to take up employment. The same applies to people with temporary admission who are not allowed to take up employment if they are themselves responsible for the reasons for which a deportation order could not be enforced or if they had come into the territory of the Federal Republic [of Germany] in order to obtain benefits pursuant to the Asylum Seekers Benefits Act (section 60a subs. 6 of the Residence Act).</p>	<p>The local foreigners authority and the local Employment agency (Agentur für Arbeit) are the competent authorities for the practical implementation of these provisions. In this respect, the locally competent Employment agency has to examine whether the conditions for the authorisation to take up employment are met and it is also responsible for granting the said authorisation.</p> <p>The examination however, whether taking up employment may generally be prohibited in the case of the rejected asylum seeker, must be taken by the competent local foreigners authority.</p>
<b>If you stated yes above, please describe the circumstances under which they can access the labour market</b>	See above; until termination of residence.	
<b>Welfare</b>		
<b>Are rejected asylum seekers who cannot be immediately returned entitled to receive any social benefits?</b>	Rejected asylum seekers who neither have an income nor any assets, will obtain benefits in accordance with the Asylum Seekers' Benefit Act (AsylbLG – Asylbewerberleistungsgesetz). People who have stayed in the German territory for at least 15 months and who are possibly not themselves responsible for existing obstacles for deportation, will obtain benefits in accordance with Book XII of the German Social Code.	



Table 6: Rights of rejected asylum seekers who are not able to return immediately (part 2)

Questions	... according to law	... as carried out in practice
<b>If you stated yes above, please briefly describe what these benefits are</b>	<p>The required needs in terms of food, accommodation, heating, clothes, healthcare as well as new durable and non-durable goods will be covered through benefits in kind during the stay in a reception centre. In addition to that, a certain amount in cash will be paid per month in order to cover any personal needs. People who are not or no longer accommodated in such a reception centre will preferentially be paid cash in order to cover their needs. The amount of benefits may vary according to the age of the respective person and the number of family members living in the same household.</p> <p>People who have come into the German territory in order to obtain benefits pursuant to the Asylum Seekers Benefits Act or where a deportation cannot be enforced owing to reasons for which they themselves are responsible, only obtain the benefits which must in any case be granted (unabweisbar).</p>	
<b>If you stated yes above, please briefly describe under what conditions these benefits can be provided</b>	In case of need, i.e. if there is neither income nor any assets in order to ensure his or her subsistence.	
<b>Healthcare</b>		
<b>Are rejected asylum seekers who cannot be immediately returned entitled to healthcare?</b>	Yes.	
<b>Does it include all healthcare or only emergency healthcare?</b>	Benefits are granted in order to treat acute diseases and pains.	
<b>Education</b>		
<b>Are rejected asylum seekers who cannot be immediately returned still entitled to participate in educational programmes and/or training?</b>	<p>Yes.</p> <p>The access to programmes of the current employment policies is dependent on whether taking up work is in principle permitted. Public financial support for a professional training programme or a study course is however only available after a residence period in Germany of 15 months, section 59 subs. 2 German Social Code, Book III and section 8 subs. 2a Federal German law for the promotion of training. In Germany, children are in principle obliged to visit school, independent of their residence status. How this obligation is implemented in detail, is the individual responsibility of the federal states and may vary among them.</p>	
<b>If you stated yes above, please briefly describe under what conditions they can participate in educational programmes and training</b>	See above; until they leave the country and/or return.	

Source: Asylum law; Asylum Seekers Benefit Act; Federal Office for Migration and Refugees; Federal Training Assistance Act; German Regulation on the employment for foreigners; German Social Code; Residence Act

If the foreigner whose obligation to leave the federal territory is enforceable has himself or herself provoked the obstacles for deportation or is responsible for them, then he or she shall not be allowed to take up employment. Such reasons entail – among others – in particular the deception on his or her identity or nationality as well as providing other false information (section 60a subs. 6 of the Residence Act).

If the foreigner has himself or herself provoked the obstacles for deportation by providing false information or owing to deception on his or her identity or nationality and therefore provoked the conditions for the suspension of deportation, then a residence permit can neither be issued pursuant to section 25a subs. 1 of the Residence Act, nor pursuant to section 25b of the Residence Act. These two types of residence permit were created in order to enable well integrated young people and adolescents (section 25a subs. 1 of the Residence Act) and thoroughly integrated foreigners with a tolerated stay, i.e. temporary suspended deportation (section 25b of the Residence Act), to obtain a legal residence status.

### 4.3 Eligibility of persons who are not immediately returnable for regularisation

There are several ways of gaining a right of residence for people with a temporary admission status. These options are e.g. the residence permit for the purpose of taking up employment for qualified foreigners with a temporary admission (section 18a of the Residence Act), the residence permit for well integrated young people and adolescents (section 25a subs. 1 of the Residence Act), the residence permit in case of thoroughly integrated foreigners (section 25b of the Residence Act) as well as the residence permit pursuant to section 25 subs. 5 of the Residence Act. All of these options to gain a right of residence require that – in the respective variable amount however – that the foreigner cooperates or has cooperated with respect to residence measures.

#### 4.3.1 Residence permit for the purpose of employment for qualified foreigners whose deportation has been suspended

“A foreigner whose deportation has been suspended may be granted a residence permit for the purpose of taking up employment commensurate with his or her vocational qualification if the Federal Employment Agency has granted approval in accordance with Section 39, and the foreigner

1. has, in the federal territory,
  - a) completed a vocational qualification in a state-recognized or similarly regulated occupation which requires formal training or a course of study at a higher education establishment, or
  - b) held a position of employment continuously for two years with a foreign higher education qualification which is recognized or otherwise comparable to a German higher education qualification and which is appropriate to that employment, or
  - c) held a position of employment as a skilled worker continuously for three years which requires a vocational qualification and has not been reliant on public funds for his or her livelihood and that of his or her dependants or other members of his or her household within the year preceding the application for the residence permit except for payments to cover the necessary costs for accommodation and heating, and
2. has sufficient living space at his or her disposal,
3. has sufficient command of the German language,
4. has not willfully deceived the foreigners authority as to circumstances of relevance to his or her situation under residence law,
5. has not willfully delayed or obstructed official measures to end his or her residence,
6. does not have any links to extremist or terrorist organizations and does not support such organizations and
7. has not been convicted of an offence willfully committed in the federal territory; fines totalling up to 50 daily rates or up to 90 daily rates in the case of offences which, in accordance with the Residence Act or the Asylum Procedure Act, can only be committed by foreigners shall be ignored as a general principle” (section 18a, subs. 1 of the Residence Act).

### 4.3.2 Residence on humanitarian grounds

“By way of derogation from Section 11 (1), a foreigner who is enforceably required to leave the federal territory may be granted a residence permit if his or her departure is impossible in fact or in law and the obstacle to deportation is not likely to be removed in the foreseeable future. The residence permit should be issued if deportation has been suspended for 18 months. A residence permit may only be granted if the foreigner is prevented from leaving the federal territory through no fault of his or her own. Fault on the part of the foreigner shall apply in particular if he or she furnishes false information, deceives the authorities with regard to his or her identity or nationality or fails to meet reasonable demands to eliminate the obstacles to departure” (section 25, subs. 5 of the Residence Act)

### 4.3.3 Granting of residence in the case of well integrated young people and adolescents

“Residence should be granted to young people or adolescents with a temporary admission if

1. he or she has been resident in the federal territory for four years without interruption, either lawfully or by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory,
2. he or she has successfully attended a school in the federal territory for four years or has acquired a recognised vocational or school-leaving qualification in Germany,
3. the application for the residence permit is filed prior to reaching the age of 21,
4. it seems to be provided that on the basis of his or her education and way of life to date, he or she will be able to integrate into the way of life which prevails in the Federal Republic of Germany and
5. if there are no concrete hints in so far as the foreigner is not willing to accept the free democratic basic order of the Federal Republic of Germany.

For as long as the young person or adolescent attends school education, vocational training or higher education, the claiming of public benefits for the purpose of ensuring his or her subsistence shall not preclude the granting of the residence permit. The granting of a residence permit shall be refused if deportation has been suspended on the basis of false information furnished by the foreigner or on the grounds of deception by the foreigner about his or her identity or nationality” (section 25a, subs. 1 of the Residence Act).

### 4.3.4 Granting of residence in the case of lastingly integrated people

“(1) In contrast to section 5 subs. 1 number 1 and subs. 2 of the Residence Act should a foreigner with a temporary admission a residence permit be granted if he or she has thoroughly integrated into the way of life which prevails in the Federal Republic of Germany. This, however, requires from the foreigner the following:

1. he or she has been resident in the federal territory for eight years without interruption or if he or she lives together with a minor single child in a common household, that he or she has then been resident in the federal territory for at least six years without interruption, either by virtue of his or her deportation having been suspended or by holding permission to stay in the federal territory or with a residence permit,
2. he or she is willing to accept the free democratic basic order of the Federal Republic of Germany and he or she has a basic knowledge of the legal system and the social order as well as the way of life which prevails in the Federal Republic of Germany,
3. he or she is able to ensure his or her subsistence mainly through employment or that if we take into account the personal situation with regard to school education, vocational training, income and family, it can be expected that he or she will be able to ensure his or her subsistence in the meaning of section 2 subs. 3 to ensure his or her subsistence, whereas the claiming of housing benefits is unimportant,
4. he or she has a sufficient oral knowledge of the German language in the meaning of the A2 level of the Common European Frame of Reference for languages and
5. he or she proves in case of children at schooling age that they in fact visit school.

The temporary claiming of public benefits for the purpose of ensuring subsistence is in principle irrespective in the following cases:

1. students at a public or publicly recognized institution of higher education as well as vocational trainees in recognized jobs which require qualified training or in programmes for the preparation in view of vocational training supported by the state,
2. families with minor children who temporarily need public benefits as an additional measure,
3. single parents with minor children from whom taking up work can justly and reasonably not be requested in accordance with section 10 subs. 1 number 3 of the Second Book of the German social code or

4. foreigners who care for close family members in need of care.

(2) The granting of a residence permit pursuant to subsection 1 must be denied if

1. the foreigner avoids or delays the termination of residence by intentionally providing false information, by deception on his or her identity or nationality or the non-fulfillment of just and reasonable requirements regarding the cooperation in overcoming the obstacles of termination of residence or
2. if there is an interest for expulsion in the meaning of section 54 subs. 1 or subs. 2 number 1 and 2" (section 25b, subs. 1 and 2 of the Residence Act).

The requirements for the granting of a residence permit pursuant to section 25 subs. 5 of the Residence Act are set out in a narrower frame. Although the level of integration into the German way of life is irrespective, it is however for the granting of a residence permit required that not only the deportation, but also leaving the country is impossible for reasons for which the foreigner himself or herself is not responsible. If this is the case, then a residence permit can be granted. If deportation has been suspended for a period of 18 months and if the foreigner is not himself or herself responsible for the obstacles for deportation, then a residence permit should be granted (section 25 subs. 5 of the Residence Act).

#### **4.4 Reassessment of the possibility of return**

The temporary suspension of deportation (tolerated stay) pursuant to section 60a subs. 2 of the Residence Act is issued for a limited period of time. Although no fixed periods of time are stipulated, however, the limitation results from the presumed period of time for which there is an obstacle for deportation or a prohibition of deportation. An obligation to regularly review whether deportation can be carried out, results therefore from the fact that temporary admission is limited. In addition, the foreigners authority can revoke a once granted temporary suspension of deportation as soon as the facts which avoid the enforcement of the deportation, no longer exist.

# 5 Linking return policy to the asylum procedure

## 5.1 Accelerated procedures

With the Act on Accelerated Asylum Procedure entering into force on 17 March 2016, the legal basis has been created in order to conduct accelerated asylum procedures for applicants from safe third countries pursuant to section 29a of the Asylum law and for applicants who failed to comply with the cooperation requirement, in particular in relation to establishing their identity and to the submission of travel documents, and for people filing subsequent applications for asylum. These provisions however have not been yet implemented.

## 5.2 List of safe countries of origin

Pursuant to section 29a of the Asylum law, the asylum application of a foreigner from a safe country of origin will be regarded as manifestly unfounded as long as the asylum seeker is unable to bring any facts or evidence which may serve as a reason for the assumption that he or she is under the threat of persecution for political reasons. With the rejection of the asylum application as manifestly unfounded, the period of time for the voluntary return shortens from 30 to seven days.

Pursuant to Attachment II to section 29a of the Asylum law, the following countries are regarded as safe countries of origin:

- Albania (since 2015),
- Bosnia and Herzegovina (since 2014),
- Ghana (since 1993),
- Kosovo (since 2015),
- the Former Yugoslav Republic of Macedonia (since 2014),
- Montenegro (since 2015),
- Senegal (since 1993) and
- Serbia (since 2014)

On 13 Mai 2016, the German Parliament decided to also declare

- Algeria,
- Morocco and
- Tunisia

as safe countries of origin in the meaning of section 29a of the Asylum law. These modifications, however, have not yet been passed by the German Bundesrat.

## 5.3 Renewal of the period of stay in reception centres

In order to reduce the length of a procedure, the maximum period of stay in a reception centre was increased from three to six months (section 47 subs. 1 of the Asylum law); this was obtained through the Act on the Acceleration of the Asylum Procedures. There is no maximum period of stay at all for asylum seekers from safe countries of origin; they are obliged to stay in a reception centre until their respective asylum procedures are completed and/or in the case they are rejected, they are obliged to stay until they leave the country (section 47 subs. 1a of the Asylum law).

## 5.4 Plans to introduce specific approaches/measures

At present, the topic return shall be addressed together with other practical everyday items for a life in Germany, and this shall be done in the framework of a “first step towards orientation for asylum seekers with an unclear perspective whether they can stay or not.” This shall presumably be carried out in form of a counselling where those asylum seekers who are interested in a return, are referred to local counselling services which carry out such a return counselling. The respective pilot projects will take up work in the federal states in the course of the year.

It is also planned to implement return counselling units which are located in the newly created reception centres. The federal state of Baden-Württemberg has already introduced initial measures for the implementation of this project in the reception centre Heidelberg.

# 6 Conclusion

German return policies do not make a difference between people who must leave the country owing to a rejected asylum application and people who must leave the country owing to other reasons; this is valid both in terms of the legal provisions and the types of procedures. Due to the sudden increase in numbers of asylum seekers in 2015 and – as a consequence thereof – with the increase in numbers of people who must leave the country, return counselling and return policies are at present increasingly adapted to the special challenges related to the return of rejected asylum seekers.

No specific measures can be identified on the basis of the available data which are in particular efficient for the return of rejected asylum seekers.

# Annex

Table 7: Number of asylum seekers rejected (first instance and final decisions) and issued return decisions (2011)

2011	Total number of asylum seekers rejected (first instance decision)			Total number of asylum seekers rejected (final decision – after all appeals)		
	Male	Female	Total	Male	Female	Total
<b>Total</b>	20,370	10,305	30,690	13,755	7,495	21,265
<b>Serbia</b>	3,085	2,995	6,080	2,420	2,370	4,795
<b>Afghanistan</b>	3,200	1,040	4,240	550	135	685
<b>Iraq</b>	1,405	915	2,325	1,435	740	2,180
<b>Kosovo</b>	1,055	740	1,795	745	530	1,275
<b>Macedonia</b>	905	830	1,735	1,030	925	1,960
<b>Turkey</b>	1,120	305	1,425	930	265	1,195
<b>Iran</b>	805	385	1,190	325	140	465
<b>Russia</b>	545	430	975	290	220	510
<b>Pakistan</b>	850	90	945	410	25	430
<b>India</b>	860	50	910	790	50	840

Source: Federal Office for Migration and Refugees

Table 8: Number of asylum seekers rejected (first instance and final decisions) and issued return decisions (2012)

2012	Total number of asylum seekers rejected (first instance decision)			Total number of asylum seekers rejected (final decision – after all appeals)		
	Male	Female	Total	Male	Female	Total
<b>Total</b>	25,040	16,565	41,625	15,205	9,315	24,520
<b>Serbia</b>	6,635	6,430	13,070	3,595	3,510	7,105
<b>Macedonia</b>	3,295	2,925	6,230	1,385	1,260	2,645
<b>Afghanistan</b>	2,020	670	2,690	1,015	220	1,235
<b>Kosovo</b>	1,415	1,180	2,600	865	675	1,540
<b>Bosnia and Herzegovina</b>	1,055	950	2,005	505	450	955
<b>Iraq</b>	925	760	1,690	1,140	780	1,925
<b>Pakistan</b>	1,090	220	1,315	520	35	555
<b>Iran</b>	845	410	1,255	295	110	400
<b>Turkey</b>	755	190	945	780	200	980
<b>Russia</b>	495	425	915	305	275	580

Source: Federal Office for Migration and Refugees

Table 9: Number of asylum seekers rejected (first instance and final decisions) and issued return decisions (2013)

2013	Total number of asylum seekers rejected (first instance decision)			Total number of asylum seekers rejected (final decision – after all appeals)		
	Male	Female	Total	Male	Female	Total
<b>Total</b>	33,755	22,455	56,235	18,710	12,115	30,845
<b>Serbia</b>	5,875	5,780	11,660	4,790	4,570	9,365
<b>Russia</b>	5,675	5,420	11,100	365	265	630
<b>Macedonia</b>	3,140	2,855	6,000	2,470	2,230	4,705
<b>Afghanistan</b>	2,290	770	3,060	1,210	245	1,455
<b>Bosnia and Herzegovina</b>	1,605	1,450	3,055	1,120	1,020	2,140
<b>Kosovo</b>	1,630	1,195	2,825	1,155	925	2,080
<b>Iraq</b>	1,020	735	1,755	785	620	1,405
<b>Pakistan</b>	1,325	170	1,495	600	55	655
<b>Georgia</b>	1,035	345	1,375	360	60	420
<b>Iran</b>	855	485	1,345	350	185	535

Source: Federal Office for Migration and Refugees

Table 10: Number of asylum seekers rejected (first instance and final decisions) and issued return decisions (2014)

2014	Total number of asylum seekers rejected (first instance decision)			Total number of asylum seekers rejected (final decision – after all appeals)		
	Male	Female	Total	Male	Female	Total
<b>Total</b>	33,750	23,085	56,855	22,710	14,740	37,470
<b>Serbia</b>	10,070	9,515	19,590	5,930	5,650	11,590
<b>Macedonia</b>	3,770	3,475	7,255	2,580	2,440	5,025
<b>Bosnia and Herzegovina</b>	2,915	2,500	5,415	1,910	1,605	3,515
<b>Albania</b>	1,700	1,225	2,930	970	610	1,580
<b>Kosovo</b>	1,330	945	2,280	1,095	785	1,885
<b>Russia</b>	940	835	1,775	1,110	975	2,085
<b>Afghanistan</b>	1,315	430	1,745	1,045	195	1,240
<b>Syria</b>	960	670	1,630	70	25	95
<b>Pakistan</b>	1,310	180	1,490	720	45	765
<b>Georgia</b>	810	210	1,020	685	160	850

Source: Federal Office for Migration and Refugees



Table 11: Number of asylum seekers rejected (first instance and final decisions) and issued return decisions (2015)

2015	Total number of asylum seekers rejected (first instance decision)			Total number of asylum seekers rejected (final decision – after all appeals)		
	Male	Female	Total	Male	Female	Total
<b>Total</b>	65,550	42,840	108,440	53,525	33,045	86,605
<b>Albania</b>	18,920	12,580	31,515	14,350	8,850	23,210
<b>Kosovo</b>	17,700	9,520	27,240	14,060	6,855	20,930
<b>Serbia</b>	10,005	9,510	19,515	8,755	8,390	17,145
<b>Macedonia</b>	3,760	3,380	7,145	3,565	3,240	6,805
<b>Bosnia and Herzegovina</b>	2,760	2,430	5,195	2,235	1,960	4,200
<b>Syria</b>	1,545	885	2,430	235	90	325
<b>Montenegro</b>	1,115	960	2,075	790	655	1,440
<b>Russia</b>	855	835	1,695	770	715	1,485
<b>Georgia</b>	1,190	425	1,615	1,015	310	1,330
<b>Afghanistan</b>	780	280	1,060	660	175	835

Source: Federal Office for Migration and Refugees

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# Abbreviations

AG Rück	Return Working Group
AP	Admission Procedure
AsylbLG	Asylum-Seekers' Benefit Act (Asylbewerberleistungsgesetz)
AsylG	Asylum law (Asylgesetz)
AufenthG	Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory / Residence Act (Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet / Aufenthaltsgesetz)
BAföG	Federal Training Assistance Act (Bundesausbildungsförderungsgesetz)
BAMF	Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge)
BLK-IRM	Federation-Federal States Coordination Agency for Integrated Return Management (Bund-Länder-Koordinierungsstelle Integriertes Rückkehrmanagement)
BMI	Federal Ministry of the Interior (Bundesministerium des Innern)
CDU	Christian Democratic Union of Germany
Cf.	Compare
CSU	Christian Social Union in Bavaria
EC	European Community
e.g.	For example
EMN	European Migration Network
Et seq.	The following pages
EU	European Union
No.	number
SGB	German Social Code (Sozialgesetzbuch)
SPD	Social Democratic Party of Germany
Subs.	Subsection (of a legal act)
UAG	Sub-working group (Unterarbeitsgruppe)
VwVfG	Administrative Procedure Act (Verwaltungsverfahrensgesetz)
VwGO	Law on Administrative Court Proceedings (Verwaltungsgerichtsordnung)
ZPO	Civil Process Order (Zivilprozessordnung)

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